

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

LAURA VARTAIN HORN (CABN 258485)
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6831
Fax: (415) 436-7234
Email: Laura.VartainHorn@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 13-030 RS
)	
Plaintiff,)	[PROPOSED] ORDER EXCLUDING TIME FROM
)	MAY 7, 2013 TO MAY 28, 2013
v.)	
)	
HERBERTH NOEL AYALA,)	
)	
Defendant.)	
)	

The defendant, Herberth Noel Ayala, represented by Edward Hu, Assistant Federal Public Defender, and the government, represented by Laura Vartain Horn, Assistant United States Attorney, appeared before the Court on May 7, 2013, for a change of plea. Counsel for the defendant indicated that his client needed additional time to confer with his counsel. The Court re-set the change of plea for May 28, 2013, and if no change of plea is entered at that time, the matter will be set for trial. Defense counsel requested that time be excluded under the Speedy Trial Act between May 7, 2013 and May 28, 2013, because he needed the remaining period of time to meet with his client and for effective preparation. The government stated it had no objection to excluding time.

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between May 7, 2013 and May 28, 2013 would deny counsel the reasonable time

1 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
2 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between
3 May 7, 2013 and May 28, 2013, from computation under the Speedy Trial Act outweigh the best
4 interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that
5 the time between May 7, 2013 and May 28, 2013, shall be excluded from computation under the Speedy
6 Trial Act. 18 U.S.C. § 3161(h)(7)(B)(iv).

7
8
9 DATED: 5/8/13


The Hon. Richard Seeborg
United States District Judge